

1 answered separately and fully in writing under oath or
2 affirmation unless it's objected to. In which event the
3 reasons for objection shall be stated in lieu of an answer.
4 The answers shall be signed by the person making them, and
5 the objections by the attorney making them."

6 Now, here we have a situation where may of these
7 response are referred in the statement by the attorney,
8 which is clearly contrary to the import of the rule, which
9 is supposed to contain the responses of the party, and the
10 attorney is supposed to be only limited to objections.

11 Now, it's very difficult, this refers to a letter
12 again prepared by counsel. Now if there are certain
13 responses in the interrogatories which are self-contained
14 and you feel you want to offer them as admissions by Mr.
15 Werlinger, that's one thing. But here it says repeatedly,
16 it says, "See letter dated September 13, 1996, to Mr.
17 Aronowitz or Mr. Bechtel."

18 Now, that's not the proper way to answer
19 interrogatories according to the rules. Mr. Werlinger is
20 supposed to give a statement under oath answering each one
21 of these questions. Counsel is only, according to the
22 rules, allowed to state objections. But I don't know what
23 this letter of September 13, 1996. That's again, I assume,
24 the letter where Mr. Bechtel has laid out how he wants to,
25 he believes the case should shape up, and which contains for

1 the most part legal argument.

2 So I have a difficulty dealing with this because I
3 don't know what part of this is statements of fact by Mr.
4 Werlinger and what -- it's mixed in with Mr. Bechtel's legal
5 arguments.

6 I think the more appropriate way would be to get
7 answers from Mr. Werlinger. And if you feel somehow that's
8 inconsistent with prior statements of Mr. Werlinger, then
9 you could use it for that purpose rather than attempting,
10 these answers to interrogatories which all they would do is
11 refer, again as I say, the answers of Mr. Bechtel, the legal
12 argument of Mr. Bechtel.

13 Unless there are things in here which Mr.
14 Werlinger has said has answered, and I guess there are
15 briefly a few statements here, but I think it might be
16 better to get this in cross-examination, or in your
17 examination of Mr. Werlinger and not bother with this,
18 which is so intermixed with legal argument that it's
19 difficult to find out which is fact and which is just
20 argument.

21 So the document described will be marked for
22 identification as Bureau Exhibit 19, but I will not receive
23 it.

24 Next exhibit.

25 MR. ARONOWITZ: One second, Your Honor.

1 JUDGE CHACHKIN: Yes.

2 (Pause.)

3 MR. ARONOWITZ: Your Honor, upon reflection we
4 will not be offering Exhibit 20, and we would then move to a
5 three-page statement entitled "Direct Written Testimony of
6 Jake H. Landrum." We would like that identified as Mass
7 Media Bureau Exhibit 21.

8 JUDGE CHACHKIN: All right. Well, then we will
9 make this --

10 MR. ARONOWITZ: The 20.

11 JUDGE CHACHKIN: 20.

12 MR. ARONOWITZ: Excuse me.

13 JUDGE CHACHKIN: All right. Bureau Exhibit 20.
14 All right, the document described is marked for
15 identification as Bureau Exhibit 20.

16 (The document referred to was
17 marked for identification as
18 Mass Media Bureau Exhibit No.
19 20.)

20 MR. ARONOWITZ: One more second, Your Honor.

21 (Pause.)

22 MR. ARONOWITZ: Your Honor, with respect to --
23 excuse me, Your Honor.

24 I offer Exhibit 20 into evidence.

25 JUDGE CHACHKIN: All right. Any objection to

1 Bureau Exhibit 20?

2 MR. WERLINGER: Your Honor, last week Mr.
3 Aronowitz and I discussed cross-examination of this
4 testimony, and I agreed not to -- that I had no cross-
5 examination. I am going to be offering in my exhibits a
6 letter from Mr. Landrum's successor in this sublease. I
7 expect that Mr. Aronowitz will object to my offering that
8 letter, but I submit that in all fairness, that this
9 testimony is contradictory to the interpretation of the
10 sublease by the current tenant there. And I just wanted to
11 mention that at this point.

12 JUDGE CHACHKIN: So you are not objecting to
13 Bureau Exhibit 20?

14 MR. WERLINGER: I am not, sir.

15 JUDGE CHACHKIN: All right, then Bureau Exhibit 20
16 will be received.

17 (The document referred to,
18 having been previously marked
19 for identification as Mass
20 Media Bureau Exhibit No. 20,
21 was received into evidence.)

22 MR. ARONOWITZ: Your Honor.

23 JUDGE CHACHKIN: Yes.

24 MR. ARONOWITZ: With the exception of the
25 admissions of facts and genuineness of documents, which I

1 will bring after the break, that would -- and we will offer
2 into evidence at that time, we are done with the offering
3 into the record of our exhibits.

4 JUDGE CHACHKIN: All right. How do you want to
5 proceed now? Do you want Mr. Werlinger to identify his
6 exhibits, or do you want to proceed with examination of Mr.
7 Werlinger?

8 MR. ARONOWITZ: We would like his exhibits -- we
9 would like him to place his exhibits into evidence at this
10 time, if we could.

11 JUDGE CHACHKIN: All right. Do you have copies
12 for the reporter, Mr. Werlinger?

13 MR. WERLINGER: Yes, I do.

14 (Pause.)

15 JUDGE CHACHKIN: Go ahead, Mr. Werlinger.

16 MR. WERLINGER: Your Honor, of course, this was
17 prepared by Mr. Bechtel before he withdrew. I have not had
18 the opportunity to go through it with him. In light of, and
19 I am being ignorant of these things --

20 JUDGE CHACHKIN: Well some if it appears to be a
21 duplication.

22 MR. WERLINGER: Yes, there is quite a bit of
23 duplication with the Bureau.

24 JUDGE CHACHKIN: Yes, I don't see that it makes
25 any sense to have two copies of the same exhibit. Perhaps

1 we can go off the record and you can discuss with the Bureau
2 where there are duplications, those which are already in
3 evidence, so we don't have to go through the process.

4 MR. WERLINGER: Exactly. That was one of the
5 things I was --

6 JUDGE CHACHKIN: Well, why don't we go off the
7 record for a few moments, and you and the Bureau can then
8 discuss which exhibits are duplicate.

9 (Whereupon, a recess was taken.)

10 JUDGE CHACHKIN: Let's go back on the record.
11 All right, Mr. Werlinger.

12 MR. WERLINGER: Okay, Your Honor, The first
13 exhibit I would submit is a statement of mine.

14 JUDGE CHACHKIN: All right. How many pages is
15 this?

16 MR. WERLINGER: It's -- let's see. Twenty-two-
17 page, sir.

18 JUDGE CHACHKIN: All right, the 22 page statement
19 of Mr. Werlinger will be marked for identification as
20 Chameleon Exhibit 1.

21 (The document referred to was
22 marked for identification as
23 Chameleon Appendix No. 1.)

24 JUDGE CHACHKIN: Any objection to its receipt?

25 MR. ARONOWITZ: Yes, Your Honor.

1 JUDGE CHACHKIN: What is your objection?

2 MR. ARONOWITZ: It may be helpful -- we have a
3 number of objections within this statement, and maybe we can
4 just go through page by page where we have the objections.

5 JUDGE CHACHKIN: All right.

6 MR. ARONOWITZ: I think that will move it along
7 quicker.

8 JUDGE CHACHKIN: We can do that.

9 MR. ARONOWITZ: On page 5, paragraph 24.

10 JUDGE CHACHKIN: Yes? What is the objection?

11 MR. ARONOWITZ: The sentence, "As part of the
12 transaction, Landrum Enterprises," right to the last, that
13 whole sentence. Maybe I will read it. "As part of the
14 transaction, Landrum Enterprises, Inc. assigned its lease
15 rights for the property of Chameleon, and then took back
16 sublease of the property from Chameleon, in order to
17 continue to operate its FM station there."

18 We object to that on the grounds of speculation
19 which respect to Landrum's taking of the sublease, and we
20 would move that that sentence be stricken.

21 JUDGE CHACHKIN: Do you have any comment?

22 MR. WERLINGER: Well, Your Honor, I think the
23 sublease specifically states that they intend to operate a
24 FM radio station there.

25 JUDGE CHACHKIN: Do you disagree with the intent

1 of the sublease, Mr. Aronowitz?

2 MR. WERLINGER: They have, in fact, operated an FM
3 radio station there. I mean, it's prima facia fact.

4 MR. ARONOWITZ: No, Your Honor.

5 JUDGE CHACHKIN: So what are you objecting to?

6 MR. ARONOWITZ: We will withdraw the objection.

7 JUDGE CHACHKIN: All right.

8 What is your next objection?

9 MR. ARONOWITZ: All right. On page 7, paragraph
10 27(b), although it is just reflected as (b) on that page.

11 JUDGE CHACHKIN: Yes, what --

12 MR. ARONOWITZ: The sentence beginning, "Such a
13 change in the transmitting location," we would object to
14 that whole statement on the grounds of speculation, with
15 respect to the legal conclusion that it draws.

16 JUDGE CHACHKIN: Mr. Werlinger?

17 MR. WERLINGER: Well, again, Your Honor, my
18 position has always been and continues to be that the site
19 was lost in our contractual arrangement, and there was no
20 condemnation or other similar event via a governmental
21 agency involved there.

22 JUDGE CHACHKIN: Well, you know, this is the
23 testimony of the principal and he certainly is subject to
24 cross-examination, and you certainly could, it seems to me,
25 cross-examination to determine from him what he means and

1 try to show him if there are any inconsistencies in this
2 regard.

3 So I see no problem with receiving it,
4 recognizing, of course, your full right to cross-examine the
5 witness.

6 MR. ARONOWITZ: We will withdraw the objection,
7 Your Honor.

8 JUDGE CHACHKIN: All right.

9 (Pause.)

10 MR. ARONOWITZ: Thank you, Your Honor.

11 On pages 9 through 10?

12 JUDGE CHACHKIN: Yes.

13 MR. ARONOWITZ: Paragraphs 28, 29 and 30, we would
14 object to those three paragraph in toto on the ground that
15 they are irrelevant, and they call for legal opinions, which
16 this --

17 JUDGE CHACHKIN: Which calls for legal opinions?

18 MR. ARONOWITZ: Specifically -- well,
19 specifically, paragraph 30.

20 JUDGE CHACHKIN: Thirty?

21 MR. ARONOWITZ: "The understanding of the
22 successor in interest of the lease between Chameleon and
23 Landrum," we would argue would not only be a legal
24 conclusion, but it's also irrelevant as to the successor in
25 interest understanding of a lease.

1 JUDGE CHACHKIN: Mr. Werlinger?

2 MR. WERLINGER: Well, again, Your Honor, I intend
3 to introduce as evidence by letter from Mr. Kirk regarding
4 his understanding of the lease.

5 JUDGE CHACHKIN: The problem is that -- how is
6 that relevant, the fact that a successor in interest has
7 taken a position that under the sublease you were barred
8 from operating from the Bay City site? How is that relevant
9 to your relationship with Mr. Landrum?

10 MR. WERLINGER: Well, Mr. Landrum assigned that
11 sublease to Mr. Kirk.

12 JUDGE CHACHKIN: I understand that.

13 MR. WERLINGER: There is a direct link.

14 JUDGE CHACHKIN: But we are interested in at the
15 time that you had that sublease from Mr. Landrum. Did he
16 bar you in either words? Did he tell you, for instance,
17 that you could not use that site to operate your AM station?
18 Did he ever indicate to you that the lease prohibited you
19 from operating that?

20 In other words, the fact that someone else
21 subsequently determined that under the terms of the lease yo
22 couldn't operate that, how is that relevant to your
23 relationship with Mr. Landrum?

24 MR. WERLINGER: Well, in answer to your question
25 did Mr. Landrum ever specifically state to me that I could

1 not be on the site, the day we closed on the sale we took
2 the station dark, and removed the broadcast equipment from
3 that transmitter site in subsequent days, and Mr. Landrum
4 said anything one way or the other. I think he was well
5 aware of the fact that we were not going to use the site.

6 JUDGE CHACHKIN: Well, I think that's the nub of
7 it.

8 MR. WERLINGER: I, frankly, never -- Your Honor,
9 never asked him to return to the site. So he never -- and
10 he never engaged me in any kind of a conversation regarding
11 that.

12 JUDGE CHACHKIN: The subject of the terms of the
13 lease never came up in your --

14 MR. WERLINGER: In my dealings with Jack Landrum,
15 no, sir, other than at closing when we signed the sublease
16 subleasing the property back to him. He was to stay. I was
17 to go. That was our arrangement.

18 JUDGE CHACHKIN: Well, this can be developed
19 further on cross-examination. But is it the Bureau's
20 position that the interpretation of the sublease by the
21 subsequent successor in interest, Mr. Landrum, is
22 irrelevant?

23 MR. ARONOWITZ: Yes, Your Honor.

24 JUDGE CHACHKIN: I will sustain your objection.

25 MR. ARONOWITZ: Your Honor, within paragraphs 28

1 and 30, I think it's exactly paragraph 28, also references
2 Appendix 24, which is Mr. Kirk's letter that Mr. Werlinger
3 referred to. And that would also be excluded under our
4 objection.

5 JUDGE CHACHKIN: That's a question?

6 And, again, it's the Bureau's position that what
7 happened subsequently to Mr. Landrum is irrelevant to this
8 proceeding?

9 MR. ARONOWITZ: Yes, Your Honor.

10 JUDGE CHACHKIN: And what is your position, Mr.
11 Werlinger?

12 MR. WERLINGER: Well, Your Honor, my position is
13 that this letter, Mr. Kirk's position is consistent with my
14 understanding of the sublease. I think that with regard to
15 Mr. Landrum's sworn testimony that's been offered by the
16 Bureau, Mr. Landrum and I simply have different
17 interpretations of the same sublease. And this is evidence
18 on my part that his successor reads the sublease the way I
19 read it.

20 If anything at all, Your Honor, perhaps this
21 should be adjudicated in a state district court if there is
22 a -- if there is a difference in interpretations of the
23 sublease. But Mr. Kirk's opinion is consistent with mine.

24 JUDGE CHACHKIN: Well, I understand that. But as
25 you point out, it hasn't been adjudicated.

1 MR. WERLINGER: No, sir, it has not.

2 JUDGE CHACHKIN: So therefore I don't see how Mr.
3 Kirk's opinion until it's adjudicated, until the court
4 determines what the language means is relevant to this
5 proceeding.

6 I mean, you could still maintain your position as
7 to how you interpreted the lease and presumably Mr. Landrum
8 can maintain his position, but the fact that a third party
9 subsequently determines consistent with yours doesn't seem
10 to me it is relevant to how the lease -- to a proper
11 interpretation of the lease, which would only have to be
12 adjudicated by a court, which is not happening.

13 MR. WERLINGER: Well, perhaps I should have
14 objected to Mr. Landrum's interpretation then, I guess.

15 JUDGE CHACHKIN: Well, you give your opinion and
16 he can give opinion, and we have both on the record, and
17 then we can see what the lease says, and perhaps draw
18 conclusions, if we possibly can, from the terms of the
19 lease.

20 MR. WERLINGER: Very well, Your Honor.

21 JUDGE CHACHKIN: I will sustain the objection to
22 any reference to Mr. Kirk's opinion as to interpreting the
23 lease since he did not participate in the actual sublease at
24 the time Mr. Landrum and Mr. Werlinger signed it. He came
25 subsequently, and his interpretation has not been

1 adjudicated in the court. And so all we are left with is
2 the language of the lease, and the parties can argue what
3 the lease says in their findings, and that's the position
4 we're in. The fact that Mr. Kirk takes a different position
5 is irrelevant to this proceeding since he is in no better
6 position than anyone else to interpret the lease.

7 MR. WERLINGER: No better position than either
8 myself or Mr. Landrum, for that matter.

9 JUDGE CHACHKIN: That's correct. The lease will
10 speak for itself.

11 MR. WERLINGER: Yes, sir. Yes.

12 JUDGE CHACHKIN: All right, so your objection is
13 to paragraph 28; is that correct, and 29?

14 MR. ARONOWITZ: And 30.

15 JUDGE CHACHKIN: And 30.

16 MR. ARONOWITZ: And Appendix 24.

17 JUDGE CHACHKIN: And all this relates to Mr.
18 Kirk's later interpretation of the terms of the sublease?

19 MR. ARONOWITZ: Correct, Your Honor.

20 JUDGE CHACHKIN: All right. Your objections will
21 be sustained, and that material will not be received.

22 What we are talking about is paragraphs 28, 29 and
23 30 will not be received? And similarly, there was what
24 appendix is that?

25 MR. ARONOWITZ: Twenty-four, Your Honor.

1 JUDGE CHACHKIN: Appendix 24, is it? It's page
2 24, or what is it?

3 MR. ARONOWITZ: No, it's Appendix 24, I believe.

4 MR. WERLINGER: It's Attachment 24.

5 JUDGE CHACHKIN: Attachment 24.

6 MR. ARONOWITZ: Right.

7 JUDGE CHACHKIN: That also will not be received.

8 JUDGE CHACHKIN: All right, any other objections
9 to Chameleon Exhibit 1?

10 MR. ARONOWITZ: Yes, Your Honor.

11 JUDGE CHACHKIN: I assume it's pronounced
12 Chameleon; is that --

13 MR. WERLINGER: Yes, sir, it is.

14 JUDGE CHACHKIN: All right.

15 MR. ARONOWITZ: One moment, Your Honor.

16 JUDGE CHACHKIN: Yes.

17 (Pause.)

18 MR. ARONOWITZ: Your Honor, on page 14, paragraph
19 34(a)?

20 JUDGE CHACHKIN: Yes.

21 MR. ARONOWITZ: And it carries over to the next
22 page, the sentence beginning, "In meetings with Mr. Eads
23 before the date of Chameleon's response August 4," we would
24 like to exclude that sentence as irrelevant.

25 JUDGE CHACHKIN: Which one is that now?

1 MR. ARONOWITZ: "In meetings with Mr...." this is
2 the sentence under explanation, "In meetings with Mr. Eads
3 before the date of Chameleon's response, and with Mr.
4 Stewart thereafter, I advised him of the leaseback property
5 of the FM operator," and so on; just that sentence.

6 JUDGE CHACHKIN: Mr. Werlinger?

7 MR. WERLINGER: Well, Your Honor, that is my
8 testimony. I did do that.

9 JUDGE CHACHKIN: I will overrule the objection.
10 You can cross-examine the witness about that.

11 MR. ARONOWITZ: All right, Your Honor, Your Honor,
12 page 14, paragraph 34(b), under the explanation, "A reverse
13 sublease back to Chameleon from Landrum Enterprises and its
14 successors would have been required for that purpose," and
15 all of it -- oh, to the end of the paragraph, "The terms
16 under which that could have been done were not known and
17 never been negotiated in light of repeated disclosures of
18 the intent from the outset to move to Houston in Chameleon's
19 response and in conversations with the staff, and in light
20 of the filing of the sublease itself, it didn't occur to me
21 to speculate on Chameleon's legal rights to cohabit the Bay
22 City property with Landrum and successors."

23 That calls for a legal opinion, so we would object
24 to that.

25 JUDGE CHACHKIN: Mr. Werlinger?

1 MR. WERLINGER: Well, Your Honor, that is my
2 understanding of the situation, and I simply -- that
3 sentence, "In light of the repeated disclosures of the
4 intent from the outset to move close to Houston and
5 Chameleon's response in the conversation," so on and so
6 forth, that is fact. I mean, that goes to state of mind,
7 and that is exactly my state of mind.

8 JUDGE CHACHKIN: I will overrule the objection.
9 And I find it rather strange that you are allowing -- you
10 want to introduce Mr. Bechtel's statement which contains a
11 lot of these same arguments, even more so, and Mr. Werlinger
12 is making these statements now, and you are objecting to
13 them, and you can cross-examine Mr. Werlinger.

14 Now, if there is anything in here which obviously
15 is irrelevant, then certainly you should object to it.

16 MR. ARONOWITZ: Your Honor, we will complete this
17 fairly quickly.

18 On page 19 through 22.

19 JUDGE CHACHKIN: Nineteen through 22, all right.

20 MR. ARONOWITZ: And that would be paragraphs 46
21 through 51, which include Attachments 25, 26 and 27. This
22 material is relating to the programming, the present
23 programming on KFCC, opinions of the programmers, and we
24 object to that on the grounds of relevancy. It's not
25 relevant to the issues.

1 JUDGE CHACHKIN: Mr. Werlinger.

2 MR. WERLINGER: Your Honor, my position is that I
3 do provide and have provided a very unique outlet for people
4 in that community who heretofore have had no voice whatever
5 over the airwaves. It is relevant to my state of mind in
6 the things that I did and the way I did them. And I would,
7 well, I'm not giving testimony now, but -- I guess I am. My
8 commitment to these programmers, to this type of
9 programming, to the service that is provided by this type of
10 programming is very germane to the steps that I took, the
11 way I proceeded, in all things that are relevant to this
12 case. And the admission of these matters regarding
13 programming, I think is very germane.

14 JUDGE CHACHKIN: Well, how is that germane to the
15 specific issues, whether you misrepresent facts or lack
16 candor in statements you made to the Commission concerning
17 the move?

18 MR. WERLINGER: Well, Your Honor, if you must
19 drawn an absolute direct line --

20 JUDGE CHACHKIN: Those are the issues.

21 MR. WERLINGER: -- between the two, then perhaps
22 they do now.

23 JUDGE CHACHKIN: Well, that's my position. I
24 don't see how they are relevant to the issue. So I am going
25 to sustain the objection.

1 Now, you are objecting to?

2 MR. ARONOWITZ: Paragraphs 46 through 51
3 inclusive, and Attachments 25, 26, and 27.

4 JUDGE CHACHKIN: All right, the objection is
5 sustained and those paragraphs and attachments are stricken,
6 will not be received.

7 Any other objections, Mr. Aronowitz?

8 MR. ARONOWITZ: Yes, one more, Your Honor, and
9 it's just fairly minor. On page 22, paragraph 53, the last
10 sentence, "The present licensee of the FM station located
11 there," we would just object to that sentence consistent
12 with our previous objection.

13 JUDGE CHACHKIN: Which is what? Page 22?

14 MR. ARONOWITZ: Page 22, paragraph 53, the very
15 last sentence, with respect to the present licensee at the
16 FM station. That would be Mr. Kirk that we addressed
17 before.

18 JUDGE CHACHKIN: All right. I will sustain the
19 objection and not receive that one sentence for the reasons
20 previously given.

21 MR. ARONOWITZ: And that is all we have, Your
22 Honor.

23 JUDGE CHACHKIN: All right, Chameleon Exhibit 1,
24 as modified by my rulings is received in evidence.

25 //

1 (The document referred to,
2 having been previously marked
3 for identification as
4 Chameleon Appendix No. 1, was
5 received in evidence.)

6 MR. WERLINGER: Should I proceed, Your Honor?

7 JUDGE CHACHKIN: Yes.

8 MR. WERLINGER: Thank you.

9 Appendix No. 1, which will be Exhibit No. 2, is
10 the consent to the assignment of the license of KFCC,
11 formerly KIOX, which was granted April 18, 1995.

12 JUDGE CHACHKIN: All right. There is no objection
13 to Appendix 1, I assume?

14 MR. ARONOWITZ: No. No, Your Honor.

15 JUDGE CHACHKIN: All right, Appendix 1 to Exhibit
16 1 is also received.

17 (The document referred to was
18 marked for identification as
19 Chameleon Appendix No. 1 and
20 was received in evidence.)

21 MR. WERLINGER: Appendix 2, Your Honor, is a --

22 JUDGE CHACHKIN: Oh, these are all appendixes to
23 Exhibit 1?

24 MR. WERLINGER: Yes.

25 MR. ARONOWITZ: These are all attachments to

1 Exhibit 1.

2 JUDGE CHACHKIN: All right. All right, so we will
3 take up the attachments. Attachment 1 is received, or
4 Appendix 1 is received.

5 This is Appendix 2 now?

6 MR. WERLINGER: Yes, Your Honor.

7 MR. ARONOWITZ: Excuse me, Your Honor, just so I'm
8 not confused, which I do easily.

9 JUDGE CHACHKIN: These are not separate exhibits.
10 It's just one exhibit.

11 MR. ARONOWITZ: One exhibit, and we're going to
12 call these Attachment 1 and Attachment 2.

13 JUDGE CHACHKIN: Oh, we're going to call it
14 Appendix 1, if it's okay.

15 MR. ARONOWITZ: Appendix 1?

16 JUDGE CHACHKIN: Yes.

17 MR. ARONOWITZ: Okay.

18 JUDGE CHACHKIN: And Appendix 1 has been received.

19 MR. WERLINGER: Okay.

20 JUDGE CHACHKIN: A statement which was Chameleon 1
21 was received as modified.

22 Now, Appendix 1 has been received. Now, we have
23 Appendix 2.

24 MR. WERLINGER: Appendix 2, Your Honor, is a map
25 of southeast Texas which simply gives us an orientation as

1 to the communities.

2 JUDGE CHACHKIN: All right. The document
3 described and identified as Appendix 2, I should have also
4 identified Appendix 1, which was a one-page statement of the
5 FM Audio Services Branch, Chief AM Branch of Audio Service
6 Division.

7 All right, Appendix 2 has been identified. Any
8 objection to Appendix 2?

9 MR. ARONOWITZ: No, Your Honor.

10 JUDGE CHACHKIN: Appendix 2 is received.

11 (The document referred to was
12 marked for identification as
13 Chameleon Appendix No. 2, and
14 was received into evidence.)

15 MR. WERLINGER: Your Honor, Appendices 3, 4, 5 and
16 6 are already a part of the -- are already exhibits in the
17 Bureau's --

18 JUDGE CHACHKIN: All right, so 3 to 6, Appendix 6
19 to 6 will not be identified since they are duplicates of
20 exhibits which have already been received in evidence.

21 MR. WERLINGER: Your Honor, Appendix 7 is a
22 duplication of the May 12, 1995, letter from Engineer John
23 Vu, rescinding the STA, the special temporary authorization.

24

25 However, at my meeting on May 25, 1995, with Larry

1 Eads, who was then chief of the Audio Services Division, he
2 simply stated that it was his intent to stay the authority
3 of that order and did so by writing across the bottom of the
4 letter.

5 JUDGE CHACHKIN: So to that extent, it's different
6 from the exhibit.

7 MR. WERLINGER: Yes, sir, in that respect it's
8 different from the exhibit offered by the Bureau.

9 JUDGE CHACHKIN: All right, the one-page document
10 dated May 18, 1995, is marked for identification as Appendix
11 7.

12 (The document referred to was
13 marked for identification as
14 Chameleon Appendix No. 7.)

15 JUDGE CHACHKIN: Any objection to its receipt?

16 MR. ARONOWITZ: No, Your Honor.

17 JUDGE CHACHKIN: Appendix 7 is received.

18 (The document referred to,
19 having been previously marked
20 for identification as
21 Chameleon Appendix No. 7, was
22 received into evidence.)

23 MR. WERLINGER: Appendix 8, Your Honor, is a copy
24 of the letter dated July 25, 1995, from Larry Eads. It is
25 the letter of inquiry.

1 JUDGE CHACHKIN: And that's already in evidence?

2 MR. WERLINGER: I think we determined that it was
3 not, did we not, Mr. Aronowitz?

4 MR. ARONOWITZ: I believe that's correct. I'm
5 going to just double check it right now.

6 JUDGE CHACHKIN: All right.

7 MR. ARONOWITZ: That is correct. It is not in as
8 of yet.

9 JUDGE CHACHKIN: All right. Appendix 8, which
10 consists of a five-page letter from Larry Eads, Audio
11 Service Division, to Mr. Werlinger will be marked for
12 identification as Appendix 8.

13 (The document referred to was
14 marked for identification as
15 Chameleon Appendix No. 8.)

16 JUDGE CHACHKIN: Any objection to its receipt?

17 MR. ARONOWITZ: No, Your Honor.

18 JUDGE CHACHKIN: Appendix 8 is received.

19 (The document referred to,
20 having been previously marked
21 for identification as
22 Chameleon Appendix No. 8, was
23 received into evidence.)

24 MR. WERLINGER: Your Honor, Appendix No. 9 is a
25 one-page letter dated August 1, 1995, with a file mark of

1 FCC, Mellon Bank, August 4, 1995.

2 JUDGE CHACHKIN: The document described is marked
3 for identification as Appendix 9, Chameleon Appendix 9.

4 (The document referred to was
5 marked for identification as
6 Chameleon Appendix 9.)

7 JUDGE CHACHKIN: Any objection to its receipt?

8 MR. ARONOWITZ: No, Your Honor.

9 JUDGE CHACHKIN: Appendix 9 is received.

10 (The document referred to,
11 having been previously marked
12 for identification as
13 Chameleon Appendix 9, was
14 received into evidence.)

15 MR. WERLINGER: Your Honor, Appendix 10 is a copy
16 of the original STA request -- pardon me, it is not. It is
17 a copy of the actual FCC Form 301 request to change the
18 station city of license to Missouri City, Texas. It does
19 not have all of the engineering exhibits, but it does
20 include the 301 form itself, and my engineering statement.

21 JUDGE CHACHKIN: The document described is marked
22 for identification as Chameleon Appendix 10.

23 (The document referred to was
24 marked for identification as
25 Chameleon Appendix No. 10.)